

but what I call our foreign department. They are practicing on the Constitution by inferences, analogies and sophisms as they would on an ordinary law. They do not seem aware that it is not even a Constitution, formed by a single authority and subject to a single superintendence and control; but that it is a compact of many independent powers, every single one of which causes an equal right to understand it and to require its observance. However strong- the cord of compact may be there is a point of tension at which it will break. A few such doctrinal decisions as bare-faced as that of the Cohens happening to bear immediately on two or three large States may induce them to join in arresting the march of government and in arousing the co-States to pay some attention to what is passing, to bring back the compact l<> its original principles, or to modify it legitimately by the express consent of the parties themselves, and not by the usurpation of their created agents. They imagine they can lead us into a consolidated government while their road leads directly to dissolution. This member of the government was at first considered the most harmless and helpless of all its organs. Hut it has proved that the power of declaring what the law is, *ad lihilitnt*, sapping and mining, slily and without alarm the foundations of the Constitution, can do what open force would not dare to attempt. (To Edward Livingston, iK.»5. C. VII., 403.)

JUDICIARY, I'V.nKUAt,- See Supreme Court.

JUKIKS.—All facts in causes whether of Chancery, Common, Ecclesiastical, or Marine* law shall be tried by a jury upon evidence given *virtu rmv*, in open court. * * * All fines or amercements shall be assessed and terms of imprisonment for contempts and misdemeanors shall be fixed by a jury. (From a proposed Constitution for Virginia, 1776. F. TL, 24.)

JuRiKS.—AYe think in America that it is necessary to introduce the people, into every department of government as far as they are capable of exercising it; and that the institution of the jury is the only way to ensure a long continued and honest administration of its powers. * * * They are not qualified to judge questions of law; but they are very capable of judging"